

MAR. 17. 2005 2:56PM

POWELL, GOLDSTEIN (DTI-17)

NO. 560 P. 23/36

Application No. 10/695,590

Attorney Docket No.: 142907.00001-P1351US01

Customer ID 25207

Remarks

Currently pending in the application are Claims 34-137, of which Claims 34, 57, 87, 106 and 121 are independent.

Item 1. This item does not require a response.

Item 2. Claim 46 has been amended to cure the lack of antecedent basis. However, it is asserted that the use of "the voice" recites an obvious and inherent characteristic of a person and that the change of "the voice" to "a voice" merely states that obvious and inherent characteristic of a person and is not narrowing.

Item 3. This item does not require a response.

Item 4. In the Office Action dated December 17, 2004, the Patent Office rejected claims 34-41, 43, 45, 47-53, 57-61, 63-66, 66-83, 87-95, and 97-102 as being unpatentable over Addy (US Patent No. 6028513) in view of Tabe (US Patent No. 6762686). This is respectfully traversed.

Addy shows an alarm sensor 34 in an initiating alarm device 22, the alarm sensor 34 detects a safety condition, and the initiating alarm device 22 then sends an alarm signal (labeled as such, but not numbered) to a central control unit 12, which has a controller 11. The controller 11 then activates a siren 18 and causes a central transmitter 16 to broadcast a signal (shown, but neither labeled nor numbered). The alarm signal is broadcast by the central transmitter 16 to a device 24 that can be adapted to be worn by a person 43 and that converts the signal into a form 42 perceptible by the person.

Independent claims 34 and 57 originally referred to "a transmitter to transmit a communication to a person" followed by "a first communication" and "a second communication", and it is asserted that such use obviously and inherently indicated that the communication was to a person, not to another device, and that such use indicated that the first communication and the second communication referred to the "communication" and were therefore also to a person, not to another device. However, claims 34 and 57 have been amended, as indicated, to make it clear that the "communication" is "in a form perceptible by the person", and that the first communication is a first said communication and the second communication is a second said communication. Corresponding changes have been made in some of their dependent claims. It is asserted that such changes are not narrowing but merely clarify the obvious and inherent meaning of these claims.

Likewise, independent claim 87 originally referred to "transmitting a first communication to a person", and it is asserted that such use indicated that the communication was to a person, not to another device. However, claim 87 has been amended, as indicated, to make it clear that the "communication" is "in a form perceptible by the person". Corresponding changes have been made in some of its dependent claims. It is asserted that such changes are not narrowing but merely clarify the obvious and inherent meaning of these claims.

The amendment changing "and" to "or" in some of the claims is broadening and avoids the narrowing interpretation discussed in *Superguide Corporation v. Directv Enterprises, Inc.*, ___ F.3d ___ (Fed. Cir. 2004).

Although Addy discloses that the alarm signal is broadcast by the central transmitter 16 to a device 24 that can be adapted to be worn by a person 43, Addy does not suggest or disclose that

the initiating alarm device 22 transmit a communication to the person in a form perceivable by the person. Therefore, it is respectfully submitted that independent claims 34, 57 and 87, and their dependent claims 35-56, 58-86, and 88-105 are patentable over Addy.

The Patent Office admitted that Addy did not disclose a motion detector, but cited Addy for the alarm sensor 34 detecting unauthorized entry into a building, and for the controller 11 including a dialer 20 to call the fire or police department upon detecting an alarm event. The Patent Office then cites Tabe for the infrared motion detector (PIR 15). If the PIR 15 detects motion then the PIR 15 will activate a reporter 50 to dial the proper authorities. The Patent Office then stated that it would be obvious to incorporate the teaching of providing a motion detector that will be operated in response to the fire detector, as disclosed by Tabe, and transmit an alarm to a person only after motion has been detected. However, the motion detector (PIR) in Tabe is used to detect the safety condition itself, e.g., unauthorized entry, and to alert other persons, such as the authorities, of the unauthorized entry in the monitored area. (Tabe, Col. 4, lines 5-21.) Tabe does not suggest that the motion detector be used after the first communication to stop the first communication to the person or begin a second communication to that person.

The invention of claims 34, 57 and 87 transmits a first communication in response to the safety detector detecting the safety condition, and then transmits a second communication or ceases transmission of the first communication after the motion detector has detected motion.

Consider the difference: in the hypothetical combination proposed by the Patent Office the alarm is transmitted to the person only after the safety condition has been detected and motion has been detected – but there would not be any motion because there has not been a previous alarm in order to cause the person to do anything. Thus, a call would go out to the

authorities, but the person who is in danger would be unaware of the safety condition until he or she moved. Note also that Tabe suggests that the motion detector is to alert the authorities that a person is present, not to send a communication to that person. (Col. 5, lines 19-26; Col. 8, lines 14-21.) In contrast, the invention of claims 34, 57 and 87 transmits a first communication to the person when the safety condition is detected. Thus, the person is alerted to the safety condition. Then, once the person moves in response to the first communication, then additional action may be taken, such as ceasing the first communication (so as not to confuse or frighten or overwhelm the person with a continuing alarm), or by transmitting a second communication (which may instruct the person what action to take or how to get out). This approach is neither suggested nor disclosed in Addy or Tabe, nor is there any motivation suggested by either of them to do so. Therefore, it is respectfully submitted that claims 34, 57 and 87 are patentable over Addy and Tabe, singly and in combination.

With respect to claims 35, 58 and 89, the Patent Office cited Addy (Col. 4, lines 17-36) as disclosing that the transmitter sends a signal to an alarm notification device 44 which then generates, for example, a siren. However, claims 35, 58 and 89 require the transmitter to transmit a tone for at least one of the communications, and the communication must be in a form perceivable by the person. Therefore, it is respectfully submitted that claims 35, 58 and 89 are further patentable over Addy and Tabe, singly and in combination.

With respect to claims 36, 59 and 90, the Patent Office again cited Addy (Col. 4, lines 17-36) as disclosing that the transmitter sends a signal to an alarm notification device 44 which then generates, for example, a siren, and further cited Addy for a bodily alarm which can provide different notifications (Col. 6, lines 57-67; col. 7, lines 1-24). However, claims 36, 59 and 90 require the transmitter to transmit a plurality of tones for at least one of the communications, and

the communication must be in a form perceptible by the person. Therefore, it is respectfully submitted that claims 36, 59 and 90 are further patentable over Addy and Tabe, singly and in combination.

With respect to claim 38, neither Addy nor Tabe suggest that the motion detector be used after the first communication to stop the first communication to the person or to begin a second communication to that person. Therefore, it is respectfully submitted that claim 38 is further patentable over Addy and Tabe, singly and in combination.

With respect to claim 79, claim 79 depends from claim 78, and claim 78 requires "the processor responds to the command by storing a received audible signal as an audible customized communication in the memory, and wherein the processor causes the transmitter to transmit the audible customized communication as at least one of the first said communication and or the second said communication", and claim 79 further requires that "the receiver receives the received audible signal." Neither Addy nor Tabe suggest that the processor could have an audible customized communication, nor that the receiver which receives the alarm signal should also be used to receive the audible customized communication for storage and use as the first communication or the second communication. Therefore, it is respectfully submitted that claim 79 is further patentable over Addy and Tabe, singly and in combination.

With respect to claim 41, Addy uses standard communications (siren, light). However, neither Addy nor Tabe suggest or disclose the use of an audible customized communication. Therefore, it is respectfully submitted that claim 41 is further patentable over Addy and Tabe, singly and in combination.

With respect to claim 70, claim 70 requires "the receiver comprises an acoustic transducer to receive the alarm signal." Addy discloses that the central receiver 14 receives the alarm signal in the form of radio-frequency communications. (Col. 4, lines 37-67.) Neither Addy nor Tabe suggest that the receiver comprise an acoustic transducer to receive the alarm signal. This allows the receiver to detect the audible alarm signals transmitted by the remote safety device rather than requiring that the remote safety device and the receiver have a specialized and dedicated communications system. Therefore, it is respectfully submitted that claim 70 is further patentable over Addy and Tabe, singly and in combination.

With respect to claims 50 and 77, Addy does not disclose that the system is portable. Addy states that the system is "installed" in a building 26. Note that the system of Addy requires connections to a telephone line (dialer 20), and installation of sensors on doors (30) and emergency exits (32). A house can be moved from one location to another location with the aid of jacks, trailers, tractors, and other equipment a house is certainly not "portable". Likewise, while the system of Addy could certainly be removed from one location and installed in a different location by adding the necessary wiring and sensors, the system of Addy is, likewise, not "portable" in any ordinary sense of the word. Therefore, it is respectfully submitted that claims 50 and 77 are further patentable over Addy and Tabe, singly and in combination.

With respect to claims 68, 83, 88 and 101, Addy is cited at Col. 6, lines 30-56 for the controller 11 activating the dialer 20, and broadcasting a signal in response to the alarm, the broadcast including information to identify the address, etc. However, the cited section of Addy merely discusses the addressability of the various alarm devices. Perhaps the Patent Office intended to refer to Addy at Col. 5, lines 44-48. However, even this section only discloses dialing the fire or police department. Addy neither suggests nor discloses that the dialer 20, or any

device, should also present any information to the fire or police department over the telephone line. Tabe discloses an autodialer (Col. 5, lines 8-9) and suggests providing a "standard vocal recording" that would give the address of the home (Col. 5, lines 22-25). However, the claimed communication is to a person and is a name selected from memory. Neither Addy nor Tabe suggest nor disclose that a name should be used. Further, even based upon Tabe providing an address, the use of a name would not be obvious because that would provide less information than an address and would require the authorities to take the time to look up the name and the corresponding address. Therefore, it is respectfully submitted that claims 68, 83, 88 and 101 are further patentable over Addy and Tabe, singly and in combination.

With respect to claim 69, Addy is cited at Col. 6, lines 30-56 for the controller 11 activating the dialer 20, and broadcasting a signal in response to the alarm, the broadcast including information to identify the address, etc. However, the cited section of Addy merely discusses the addressability of the various alarm devices. Claim 69 requires "an input device for accepting a user command" wherein "the processor responds to the command by storing a received alarm signal from a remote safety device as a stored signal in the memory, and wherein the processor causes the transmitter to transmit the at least one said communication if a subsequently received alarm signal corresponds to the stored alarm signal." Note that the processor stores the received alarm signal, not a device address, for later use "to transmit the at least one said communication if a subsequently received alarm signal corresponds to the stored alarm signal." Neither Addy nor Tabe suggest or disclose that the alarm signal itself should be stored for later comparison with a subsequently received signal. Therefore, it is respectfully submitted that claim 69 is further patentable over Addy and Tabe, singly and in combination.

Item 5. The Patent Office rejected claims 42 and 62 under 35 USC 103(a) as being unpatentable over Addy in view of Tabe as applied to claim 35 above, and further in view of Hajel (US Patent No. 5867105). This is respectfully traversed. Claim 42 depends from claim 34, and claim 62 depends from claim 57. The transmitters of Addy, Tabe, and Hajel, all use wireless transmissions to activate a separate device associated with, near or on the user. However, as discussed above with respect to claim 34 and 57, the claimed invention requires that the transmitter transmit a communication to the person in a form perceivable by the person. None of Addy, Tabe, or Hajel suggest or disclose that the transmitter operate in this manner. Therefore, it is respectfully submitted that independent claims 42 and 62 are patentable over Addy, Tabe, and Hajel, singly and in combination.

Item 6. The Patent Office rejected claims 44, 46, 54-56, 67, 84-86, 96, and 103-137 under 35 USC 103(a) as being unpatentable over Addy in view of Tabe as applied to claim 35 above, and further in view of Landais (US Patent No.6384724).

With respect to claims 44, 46, 54-56, 67, 84-86, 96, and 103-108, 110-121, 123-127, 130, 132 and 134-137, the Patent Office acknowledged that neither Addy nor Tabe disclosed first or second communications providing an instruction or voice communication. However, the Patent Office asserted that Addy (it is believed that the Patent Office meant to refer to Hajel) disclosed a vibrating device, that the alarm unit can be attached to a bed or a chair (citing Col. 2, lines 48-67 and Col. 3, lines 1-15 – reference not specifically disclosed but it is believed that the Patent Office meant to refer to Hajel), that the notification device 44 activated in a strobed or flashing fashion to provide guidance to occupants (citing Col. 6, lines 14-29 – reference not specifically disclosed but it is believed that the Patent Office meant to refer to Addy), and that it would be obvious to use a voice instead of a siren.

However, this is respectfully traversed. Addy discloses the strobed or flashing lights and Addy also discloses that the alarm notification device 44 can be a siren or "or equivalent audible means". Tabe even discloses a speaker (Col. 4, lines 55-57). Further, Landais discloses a light, but only to illuminate the pathway to the exit (Col. 7, lines 43-47). Finally, note that the Routman patent (Applicant reference A6) discloses the use of a voice and voice instructions, alone or alternately with an alarm, and issued on September 20, 1994, Addy was filed February 27, 1998 and issued February 22, 2000, Hajel was filed as a continuation-in-part on July 21, 1997 and issued February 2, 1999, Landais was filed December 22, 1999, and issued May 7, 2002, and Tabe was filed as a continuation-in-part on May 20, 2002, and issued July 13, 2004. Thus, Addy presumably had knowledge of Routman, Landais presumably had knowledge of Addy, Hajel and Routman; and Tabe presumably had knowledge of Addy, Hajel, Landais and Routman. However, none of Addy, Hajel, Landais and Tabe, even those presumably having knowledge of other patents in the field, appreciated that it may be desirable or necessary to provide audible instructions -(See, e.g., paragraph 0007 of the publication of the present patent application.) as mentioned in Routman preferring, instead, to continue to use lights, alarms, and vibrator devices alone, not with audible instructions. These references also do not appreciate that flashing lights and alarms may be inadequate to awaken sleeping persons, even those persons whose vision and/or hearing is not impaired. (See, e.g., paragraph 0004 of the publication of the present patent application.) Further, these references presume that the lights, flashing lights, and alarm sounds will not just startle the person, but also presume that the person will know to follow these lights to safety, which presumption is not warranted, especially in the case of children or those with impaired cognitive ability. (See, e.g., paragraph 0007 of the publication of the present patent application.) None of these references suggest or disclose, or discuss the benefit of or provide any motivation for, having multiple voices or using a motion detector to turn off a first message or

MAR. 17. 2005 2:59PM

POWELL, GOLDSTEIN (DTI-17)

NO. 560 P. 32/36

Application No. 10/695,590

Attorney Docket No.: 142907.00001-P1351US01

Customer ID 25207

switch to a second message upon detection of motion. Accordingly, claims 44, 56, 86, 96, 105, 114, 120, 125, and 137 are patentable over Addy, Hajel, Landais, Tabe, and Routman, singly and in combination.

Further, although Addy, Hajel, Landais and Tabe disclose lights, sirens, and vibrators, none of them suggest the need for, or benefit of, using a human voice. Lights, sirens and vibrators do not always awaken a person, especially young children who experience deeper sleep than adults. The most effective means to awaken a sleeping person, especially in the case of a child, is the use of his or her name. (See, e.g., paragraph 0009 of the publication of the present patent application.) Further even if lights, sirens and vibrators do awaken a person, the person may be frightened and not respond properly. (See, e.g., paragraph 0007 of the publication of the present patent application.) Children, even though awake or awakened, often die in fires by hiding under beds or in closets. Therefore, none of Addy, Hajel, Landais and Tabe disclose or provide any motivation for using a voice, rather than lights, sirens, and vibrators. Accordingly, claims 46, 54-56, 67, 84-86, 103-108, 110-121, 123-127, 130, 132 and 134-137 are patentable over Addy, Hajel, Landais and Tabe, singly and in combination.

In addition, none of Addy, Hajel, Landais, Tabe or Routman disclose or provide any motivation for using two different voices, rather than a single voice. Accordingly, claims 46, 67, 106-108, 110-121, 123-127, 130, 132 and 135-137 are patentable over Addy, Hajel, Landais, Tabe and Routman, singly and in combination.

Likewise, as none of Addy, Hajel, Landais or Tabe disclose or provide any motivation for using a voice, rather than lights, sirens, and vibrators, they also do not disclose or provide any

motivation for using a voice synthesizer. Accordingly, claims 55, 56, 85, 86, 96, 103-105, and 118-120 are patentable over Addy, Hajel, Landais and Tabe, singly and in combination.

Further, although Tabe discloses an autodialer (Col. 5, lines 8-9) and suggests providing a "standard vocal recording" that would give the address of the home (Col. 5, lines 22-25) when calling the authorities, none of Addy, Hajel, Landais or Tabe disclose or provide any motivation for using a customized message transmitted to the occupants of the space protected by the alarm system, as opposed to information transmitted to authorities external to the protected space. Accordingly, claims 41, 45, 51, 61, 66, 78, 82, 93, 99, 100, and 111 are patentable over Addy, Hajel, Landais and Tabe, singly and in combination.

In addition, none of Addy, Hajel, Landais or Tabe disclose or provide any motivation for having a plurality of stored communications and allowing user selection of the stored communication to be used. Accordingly, claims 52, 82 and 100 are further patentable over Addy, Hajel, Landais and Tabe, singly and in combination.

With respect to claims 131 and 133, Addy discloses sound output devices, such as a siren, but Addy neither suggests nor discloses that there should be a sound input device which can receive an audible signal. Further, there is no need suggested or disclosed in Addy for a sound input device. Therefore, none of Addy, Hajel, Landais or Tabe disclose or provide any motivation for using a sound input device, rather than a sound output device such as a siren. Accordingly, claims 131 and 133 are patentable over Addy, Hajel, Landais and Tabe, singly and in combination.

MAR. 17. 2005 2:59PM

POWELL, GOLDSTEIN (DTI-17)

NO. 560 P. 34/36

Application No. 10/695,590

Attorney Docket No.: 142907.00001-P1351US01

Customer ID 25207

With respect to claim 129, the Patent Office suggests that the system of Addy is portable. As discussed above with respect to claims 50 and 77, Addy is not portable. Accordingly, claim 129 is patentable over Addy.

There is an Examiner's note regarding claim 106 indicating that the claimed limitations (first voice and second voice) are different from the first embodiment of the invention. However, dependent claim 46, which depends from independent claim 34, and dependent claim 67, which depends from independent claim 57, both refer to a voice of a first person and a voice of a second person. Therefore, this limitation would have been searched with respect to the first embodiment and restriction is inappropriate.

Item 7. This item does not require a response.

Item 8. This item does not require a response.

RECORD OF TELEPHONE CONFERENCE

On February 7, 2005, the undersigned called the Examiner to discuss independent claims 34, 57, 87, 106 and 121, and the prior art. The undersigned thanks the Examiner for the courtesy of the telephone conference. The Examiner agreed that, with the clarification that the communications were in a form perceivable by the person, independent claims 34, 57 and 87 did not appear to be disclosed or suggested by the cited art. The Examiner also agreed that starting a first communication and then changing the communication in response to detection of motion did not appear to be disclosed or suggested by the cited art. Agreement was not reached with respect to claims 106 and 121.

REMINDER OF CHANGE OF CORRESPONDENCE ADDRESS

A Revocation of Power of Attorney and Change of Correspondence Address was entered on December 1, 2004. It is respectfully requested that all future correspondence be directed to the address specified therein (which is also the address below).

REMINDER OF PRIOR ART SUBMISSION

An information disclosure statement was entered on December 1, 2004. However, from a review of the PAIR information, reference A24 (Tenelex Industries) does not appear to have been reviewed. Review and consideration is respectfully requested.

An information disclosure statement was entered on April 6, 2004. However, from a review of the PAIR information, references A1-A14 do not appear to have been reviewed. Review and consideration is respectfully requested.

CONCLUSION

Claims 34-137, as amended, are believed to be patentable over the cited art and now in condition for allowance. Therefore, Applicant respectfully requests allowance of claims 34-137.

Some amendments and remarks contained in this document, or in other documents filed or to be filed with the US Patent Office in this case or related cases, may in the future be deemed by a court of law to be narrowing amendments and/or related to patentability. Accordingly, the public is hereby advised that the applicant: (a) intends to relinquish only that claim coverage which is clearly, explicitly, precisely and unequivocally stated to be relinquished; (b) does not

MAR. 17. 2005 3:00PM

POWELL, GOLDSTEIN (DTI-17)

NO. 560 P. 36/36

Application No. 10/695,590

Attorney Docket No.: 142907.00001-P1351US01

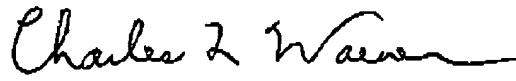
Customer ID 25207

intend to relinquish any other claim coverage; (c) reserves the right to assert that any such amendments and/or remarks are not narrowing and/or are not related to patentability; and (d) intends to fully assert the full range of equivalents, under the Doctrine of Equivalents and otherwise, which are presently known or which may become known in the future, for each and every element of each and every claim.

Should the Examiner have questions or suggestions which will put this application in line for allowance, he or she is requested to contact the undersigned attorney.

Respectfully submitted,

POWELL GOLDSTEIN LLP



Charles L. Warner
Reg. No. 32,320

One Atlantic Center, 14th Floor
1201 West Peachtree Street, NW
Atlanta, Georgia 30309-3488

Direct Tel. No.: (404) 572-6718
Firm Fax: (404) 572-6999
Email: cwarner@pogolaw.com

852613